

1 SAMUEL G. LIVERSIDGE, SBN 180578
sliversidge@gibsondunn.com
2 TIMOTHY W. LOOSE, SBN 241037
tloose@gibsondunn.com
3 BRANDON S. DIMOND, SBN 266876
bdimond@gibsondunn.com
4 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
5 Los Angeles, CA 90071-3197
Telephone: 213.229.7000
6 Facsimile: 213.229.7520

7 Attorneys for Defendant,
HEWLETT-PACKARD COMPANY
8
9
10
11

12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14

15 DAVID ELIAS, Individually and On Behalf of
all Others Similarly Situated and the General
16 Public,

17 Plaintiff,

18 v.

19 HEWLETT-PACKARD COMPANY, et al.,

20 Defendants.
21
22
23
24
25
26
27
28

CASE NO. 5:12-cv-00421

**STIPULATION EXTENDING TIME TO
RESPOND TO FIRST AMENDED
COMPLAINT; PLAINTIFF'S REQUEST
TO APPOINT INTERIM LEAD COUNSEL**

1 The parties to this action—Plaintiff David Elias, and Defendant Hewlett-Packard Company
2 (“HP”)—through their undersigned counsel of record, enter the following stipulation extending HP’s
3 time to respond to Plaintiff’s First Amended Complaint pursuant to Local Rule 6–1(a):

4 WHEREAS, Plaintiff filed a Complaint in Santa Clara Superior Court on December 9, 2012;

5 WHEREAS, Plaintiff filed a First Amended Complaint in Santa Clara Superior Court on
6 December 22, 2012;

7 WHEREAS, HP filed a notice of removal on January 26, 2012;

8 WHEREAS, pursuant to Federal Rule of Civil Procedure 81(c)(2)(C), HP’s current deadline
9 to respond to Plaintiff’s First Amended Complaint is February 2, 2012, which time has not yet
10 expired;

11 WHEREAS, continuing HP’s deadline to respond to March 2, 2012 will not alter the date of
12 any event or any deadline already fixed by Court order;

13 THEREFORE, the parties jointly stipulate that the deadline for HP to respond to Plaintiff’s
14 First Amended Complaint shall be extended up to, and including, March 2, 2012.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

IN ADDITION, WHEREAS, the parties are unaware of any pending related litigation;
WHEREAS, Plaintiff requests that Gutride Safier LLP be appointed interim Lead Counsel;

and

WHEREAS, Defendant does not oppose Plaintiff's request that Gutride Safier LLP be
appointed interim Lead Counsel;¹

THEREFORE, Plaintiff requests that Gutride Safier LLP be appointed interim Lead Counsel.

DATED: January 31, 2012

Respectfully Submitted,

GIBSON, DUNN & CRUTCHER LLP

By /s/ Timothy W. Loose
Timothy W. Loose

Attorneys for Defendant,
Hewlett-Packard Company

DATED: January 31, 2012

GUTRIDE SAFIER LLP

By /s/ Seth A. Safier
Seth A. Safier

Attorneys for Plaintiff, David Elias

IT IS SO ORDERED:

DATE: February 2, 2012


The Honorable Lucy H. Koh
United State District Court Judge

¹ HP does, however, reserve its right to object to any future request for attorneys' fees. A primary purpose of appointing interim class counsel is to maximize efficiencies and to eliminate duplication of efforts and "unproductive posturing" by the various plaintiffs' lawyers and firms. See 5 James Wm. Moore et al., Moore's Federal Practice ¶ 23.121 (3d ed. 2010). Consequently, any proposed structure should reduce the risk "of overstaffing or an ungainly counsel structure." Fed. R. Civ. P. 23(g), advisory committee's note.